

**MINUTES OF THE
COMMUNITY REDEVELOPMENT AGENCY
MEETING OF JUNE 4th, 2008
DEBERRY ROOM 3RD FLOOR
200 CANAL STREET
NEW SMYRNA BEACH, FLORIDA**

Chairperson Linda DeBorde called the June 4th, 2008 meeting to order at 2:00 p.m.

Answering to roll call:

**Linda DeBorde, Chair
Steve Dennis, Vice Chair
Douglas Hodson
James Kosmas
Charles Belote
Cynthia Lybrand
Thomas Williams**

Also present were Mark Rakowski, Interim CRA Director; Kevin Fall, CRA Project Manager; Noeleen Foster, CRA Coordinator; Mark Hall, CRA Attorney; and Claudia Soulie, CRA Board Secretary.

CONSENT AGENDA

Mr. Dennis made the motion to approve the minutes of the May 7th, 2008 CRA Board meeting; seconded by Mr. Hodson. The motion carried on roll call vote 7 – 0.

PUBLIC PARTICIPATION

In accordance with the City Commission Resolution #11-89, a three-minute limitation will be imposed unless otherwise granted by the CRA Commissioners.

The following persons addressed the Esther Street Project during the Public Participation portion of the meeting and were all in favor of this project. They felt that this project would create off-beach parking, aid with the stormwater drainage issues and would beautify the area, attract new businesses and benefit generations to come.

Jim Smith, 414 Florida Ave.
Diane Hughes, 201 N. Peninsula
Kathie Feindt, 407 Florida Ave.
Peter Sanders, 206 Florida Ave.

Warden Smith, 210 N. A1A
Jim Morris 427 S. Nova Rd.
Margaret Boomer, 407 Florida Ave.
Carl Holly, 407 Florida Ave.

Peter Sanders also addressed the proposed hotel on Flagler Ave. He thought that the developer had withdrawn their proposal and was surprised to be contacted by, which he thought, was Premier Development. The caller was offering to buy the properties of Mr. Sanders and other residents along the north side of Florida Ave.

Flare Elliott thanked the CRA Board for the purchase of the Canal Street banners. Ms. Elliott also informed the CRA Board of the status of the Gateway project, A Auto Insurance project and felt that these improvements would beautify the entry into the downtown.

OLD BUSINESS

Ms. DeBorde asked the CRA Board if they would object to moving up a communication from Mr. Steve Dennis, due to tight schedules of a few key speakers. The Board had no objections.

Mr. Dennis referred to his memo sent to Ms. DeBorde addressing the electrical issues with the West Canal Streetscape. Mr. Dennis stated that he had been working with the Utilities Commission (UC) in regards to these issues and felt that most of them had been resolved except under grounding of utilities in the area on the south side of N. Myrtle and Chestnut St. The UC had been given options and alternatives for possible solutions, but continued to seek an easement for the southern most three (3) feet of the right-of-way and two (2) feet on the private properties that abut the right-of-way. Mr. Dennis continued that UC's engineers suggested modifying the section of the Land Development Regulations (LDR) to expand the "build-to" lines on Canal Street.

Mr. Dennis stated that it would seem appropriate that the Construction Team meet with the CRA to see what other options may be at hand.

Mr. Rakowski asked to introduce his memo to the City Manager addressing City staff's position pertaining to the West Canal Streetscape project that will be presented to the City Commission at their next meeting. Mr. Rakowski felt that the UC was not interested in having to repair sidewalks that needed to be removed to access utilities. City staff offered to accept the responsibility from the UC and repair any sidewalks that were damaged in the process of accessing the underground utilities and to draft up a memorandum of agreement specifying that responsibility. Staff will recommend that the City Commission authorize the City Manager to execute a memorandum of agreement between the City, CRA and UC to repair/replace any sidewalk between Myrtle Avenue and the railroad that gets damaged due to underground utility repairs associated with the West Canal Street streetscape.

Randy Walter, UC Engineer, felt that the UC was not only concerned about the underground facilities, but also the structures (transformers, etc.) that sit above the surface. Mr. Walter stated that any structure that sat on the sidewalk versus private property presented a possible liability issue. Mr. Walter continued that putting the utilities in the easement would eliminate any future re-location and the associated costs, should the area need further development/ improvements.

Mr. Rakowski referred to Mr. Walter's statement about possible liabilities due to having structures in the sidewalk and stated that there will be numerous structures like light poles, bike racks and garbage cans in the right-of-way.

Mr. Trey Sizemore, representing Thad Con Design team, addressed the width of the sidewalks on the north and south sides. He continued that his team was almost ready to submit 90% design plans to FDOT for their review.

Ms. Lybrand suggested making the sidewalk narrower in order to accommodate the utilities. The Design Team acknowledged the point, but felt that this might not be in line with the flow of the design.

A brief discussion ensued about liability issues pertaining to the Handicapped Accessibility Act and structures in the sidewalk.

Ms. DeBorde asked Mr. Walter what his recommendation for a possible solution could be. Mr. Walter felt that there should be a compromise from all parties involved.

Mr. Williams wanted to make sure that the easements would not detract from the property owner's buildable living space and limit them in their option to develop. Mr. Rakowski stated that there was some discussion about this in the past, but felt that this proposal was no longer valid.

Ms. DeBorde asked Mr. Walter to work with the ThadCon Design team and Mr. Dennis. Mr. Walter will contact Greg Goldsworthy, UC Engineering Department and Jim White, Director of Engineering and set up a meeting within the next few days.

Ms. DeBorde thanked Mr. Walter and the ThadCon Design team for their time.

Ms. DeBorde welcomed Mayor MacKay.

A. Fiscal Year 2008/2009 CRA Budget

Mr. Fall handed out two (2) memos pertaining to the CRA Budget. The CRA Board had requested additional information at the last CRA hearing in regards to the annual administration fee, annual insurance amounts charged to the CRA, amount of fund balance, existing debt service and contingency accounts. Mr. Fall had contacted Kathie Eichinger, City Finance Director, who was able to provide the CRA Board with the answers.

Mr. Fall continued that the second memo provided information regarding the revenues and expenditures related to the proposed FY 2008/2009 CRA budget. The CRA Board must recommend a budget to the City Commission by July 1st of each year. Although the Finance Department will prepare the final numbers for inclusion in the budget system, the CRA staff had estimated these revenues and expenditures to provide the basis for consideration and approval by the CRA Board. Mr. Fall informed the CRA Board about current projects, revenue projections, CRA Revenue Details, Debt Service, Personal Services, Operating Expenses and a revised Multi Year Program. Mr. Fall stated that the program had been amended to add potential project in the latter years of the program and will be revised based upon completion of the update to the CRA Redevelopment Plan and upon direction from the CRA Board.

Ms. Lybrand was in favor of using additional funds to pay off the debt balance. Mr. Fall stated that keeping a revolving debt balance could help guarantee continued funding of the CRA by Volusia County.

Ms. DeBorde inquired about the CRA paying for a portion of the irrigation specialist's salary. Mr. Fall will check what part of the CRA budget this was coming out of.

Mr. Williams felt that the CRA needed their own full-time CRA Manager/Director. Ms. DeBorde agreed and stated that she had met with the City Manager requesting such.

Mr. Williams wanted assurances that the CRA equipment / personnel was only used for CRA purposes. Mr. Rakowski stated that City staff started tracking time spent on CRA related issues retroactive to October 1, 2007.

Mr. Fall suggested moving the July 9th, 2008 CRA meeting up to June and make it a special budget meeting, so the CRA Board can meet the July 1st, 2008 budget deadline. The CRA Board agreed and set a date for June 18th, 2008 at 2 p.m.

B. Flagler Boardwalk Report Sub Structure/Foundation Rehabilitation Project – Request for Qualifications

Mr. Fall stated that based on the direction of the CRA Board at the May 7th, 2008 regular meeting, CRA staff has developed a new Request for Qualifications (RFQ).

Mr. Fall continued that staff was asking the CRA Board to approve the new RFQ for professional services associated with the Flagler Avenue Boardwalk Sub structure and Foundation project.

Mr. Fall stated that the CRA had the “power” to enter into a contract, but the question arose if this was a City or a CRA project. Mr. Hall, CRA Attorney, informed the CRA Board that they were able to put out the RFQ, the City Commission would ratify the contract and the Mayor would sign it.

Mr. Kosmas made the motion to authorize staff to advertise the new RFQ for the sub-structural foundation, seconded by Mr. Williams. Motion carried on roll call vote 7-0.

C. Esther Street Beachfront Park Project

Mr. Fall had put this item on the agenda for discussion. Ms. DeBorde asked if the CRA Board had any questions or comments.

Mr. Kosmas stated that the CRA Board was not given any information about this project and he would like to see the signed contract and the eleven extensions. Mr. Kosmas asked Mr. Hall if the CRA, should they consider the merits of this project viable, had to amend the CRA plan to include the Esther Street Project prior to submitting this request to the City Commission.

Mr. Hall recommended that it would be better for the CRA to add this project to their budget and their plan before funding it any further.

The CRA Board was not questioning the merits of the acquisition of the Ester Street parcel, but just wanted to make sure that an expenditure of additional money was authorized in the CRA plan to rule out any potential legal issues.

A brief discussion ensued about finding different ways to allocate the required funds to the Ester Street Project to not go against the CRA plan.

Mr. Kosmas made the motion make a contribute of \$1.325 million dollars to the City reserves contingent upon the Esther Street parcel being purchased within ninety (90) days. In the event that the purchase is not consummated, that money would be returned to us. The contribution to the reserve fund would be for the purpose of funding parking and storm water improvements to either of the two (2) parcels; seconded by Ms. Lybrand. Motion carried on roll call vote 7-0.

D. Proposed Faulkner Street Parking Lot Striping

Ms. Foster stated that it had become apparent that the Faulkner Street Parking Lot required striping on the west side of the building to restructure the parking and avoid potential accidents and traffic backups onto Canal Street. Ms. Foster asked the CRA Board to review the proposed striping, lettering and bike rack layout and approve the layout and installation.

Mr. Williams made the motion to approve the layout and installation, seconded by Mr. Hodson. Motion carried on roll call vote 7-0.

NEW BUSINESS

A. CRA Presentation to Volusia County Council - July 3, 2008

Mr. Fall informed the CRA Board that the Volusia County Council has scheduled a workshop for the Volusia County Community Redevelopment Agencies. The New Smyrna Beach Community Redevelopment Agency's presentation is scheduled for July 3rd, 2008 at 12:30 pm in the County Council Chambers in Deland. Ms. Foster and Mr. Fall will put together a presentation with the suggested topics and have a first draft to the CRA Board at their next meeting.

Staff asked the CRA Board to let them know should they have any additional ideas for input and also invited the Board Members to attend if possible.

Ms. Lybrand stated that Volusia County property appraiser was assessing high tax dollars on the land value of downtown New Smyrna Beach and felt that should prove the CRA's involvement was paying off.

B. Redevelopment Master Plan Update – Request for Qualifications

Mr. Fall stated that based on the direction from the CRA Board at the May 7th, 2008 regular meeting, CRA staff had developed a Request for Qualifications (RFQ) related to the CRA Redevelopment Plan Update.

Mr. Dennis made the motion to approve the RFQ for the CRA Master Plan Update, seconded by Mr. Belote. Motion carried on roll call vote 7-0.

C. Discussion – CRA Meeting Time

Mr. Fall stated that the Community Redevelopment Agency had received a request from the public that the CRA consider changing its regular meeting time of 2 pm to a time in the evening to enable the general public to attend.

After some discussion the CRA Board reached the consensus to continue holding the CRA regular meetings at 2 pm.

D. Riverside Park Light Replacement Project

Mr. Fall asked to withdraw this topic and bring it back at a later meeting. The CRA Board had no objections.

REPORTS AND COMMUNICATIONS

A. Capital Projects Status Report

Mr. Fall stated that he had no new comments.

B. Property Improvement Grant Status Report

Mr. Fall stated that he had no new comments.

Mr. Belote made a suggestion to select benches that have an armrest in the center of the bench.

ADJOURNMENT

Mr. Hodson made a motion to adjourn; seconded by Mr. Dennis, all agreed. Meeting adjourned at 4:45 pm.